

**January 27, 2011 Minutes of
Bigfork Land Use Advisory Committee
Bethany Lutheran Church**

Committee members present: Paul Guerrant, Shelley Gonzales, Gary Ridderhoff, John Bourquin, Joyce Mitchell, John Righetti, Dave Russell, Sue Hanson and 3 members of the public.

Chairman Guerrant called the meeting to order at 4: 00 pm.

The Agenda was adopted as presented - unanimous. (m/sc Mitchell/Gonzales)

Minutes of the December 30, 2010 meeting were approved as amended- unanimous. (m/sc Mitchell/Bourquin).

ADMINISTRATOR'S REPORT:

A. Sign-in Sheet: Reminder to the public of the availability of BLUAC minutes through email and BSC website bigforksteering.org/. Agendas are posted on the Flathead County Planning Office website flathead.mt.gov/

B. May 3, 2011 elections: Filing period for elections is December 20, 2010 to February 17, 2011. There will be four positions to be elected in May: Positions held by John Bourquin and Gary Ridderhoff whose 3 year term ends in May as well as John Righetti (replaced Darrel Coverdell) and Joyce Mitchell (replaced Charles Gough) for two year terms.

C. Joint meeting BLUAC/BWS: Bigfork Water & Sewer District has invited members of BLUAC to their February 9, 2011 board meeting, 7:00 p.m.

D. Memo BJ Grieve/Public Meetings & Participation: Committee reviewed memo regarding Public meeting requirements and submission of minutes to the Planning Office, which would include sub-committees.

APPLICATIONS:

A. Lodgepole Inc (FZTA-10-05): A request by Lodgepole, Inc. for a Zoning Text Amendment to the Flathead County Zoning Regulations. The proposed amendment would add "Professional Offices" as a Conditional Use to section 3.14.030 (RC-1 Residential Cluster) of the Zoning Regulations.

Staff: B. J. Grieve the application and explained that the application had been carefully reviewed as to future affects of the text amendment change. Bigfork Zoning District is the only zoning district that has RC-1 zoning designation.

Gonzales: On page 5, #III, of the staff report the date is incorrect. It should state January 27, 2011.

Grieve: Thanks for catching that.

Guerrant: Were there any comments received from surrounding properties or the general public?

Grieve: No

Bourquin: What prompted this? There are already professional offices at this location.

Grieve: Tom Hoover brought this to our attention and wanted to make sure they were on the "up and up". We made the Text Amendment suggestion as a solution.

Mitchell: Why not strike out Real Estate Offices and replace with "Professional Offices"? The "handling of commodities" under the description of professional offices would cover real estate. It is a commodity.

Grieve: Good point. You could make that recommendation to the Planning Board.

Guerrant: What is the reason for the strikeouts on page 3?

Grieve: Just to correct the numbering sequence.

Guerrant: Are there performance standards regarding traffic generated for professional services?

Grieve: No. No standards but there are criteria during CUP review for examining "excessive traffic

generation.” There ARE *parking* requirements for most uses and those are found in Chapter 6 of the zoning, but I was not asked about parking per se.

Bourquin: I’m assuming Eagle Bend is built out? I’m just curious in case a new commercial venture comes up.

Grieve: The Eagle Bend development has researched their density many times, as have many attorneys for civil suits and there seems to be general acknowledgement that they’re done with their RC-1 density allotments.

Ridderhoff: This property is 1.6 acres and I’m wondering why the uses are not grandfathered. The more you study this, it does make sense, however, there’s a piece of property next to this that has potential for a large building.

Grieve: Apparently it was not recognized at the time the area was zoned in 1993, so was not grandfathered. A large professional office complex on the vacant 5-10 acres Gary referenced would be subject to review as a CUP.

Gonzales: I noticed RC-1 zoning along Bigfork Stage Road. When did that occur?

Grieve: Probably 1993. A mixed-use development including professional offices in the RC-1 area near Bigfork Stage may require infrastructure improvements as part of development or may not be approved under the CUP process until those improvement are made. The recent adoption of the updated plan did not change the zoning in the area since the two follow different adoption processes.

Mitchell: I move to recommend approval of the application with the amendment on Page 3 to strike #15 Real Estate Offices and leave #14 to state “Professional Offices”. Under the definition 7.16.090 of Professional Offices, handling of commodities would cover real estate sales. Righetti seconded the motion. Motion passed unanimously.

The Flathead County Planning Board will review this application on February 9, 2011, 6:00 p.m. at Earl Bennett Building, 1035 1st Avenue West, Kalispell, MT.

OLD BUSINESS:

A. Committee discussion re: website funding.

Chairman Guarrant moved that this item be tabled until May 2011, since the next billing is not due until June 2011. Gonzales seconded the motion. Motion carried unanimously.

NEW BUSINESS:

A. Email/Debra Healy re: 428 & 448 Electric Avenue:

Gonzales: I admire the Healey’s wishes to protect the view of the Bay and agree that it would benefit the business community to have that access. However, what individual property owners do with their adjacent properties is out of our control unless they do not comply with County regulations. Certainly we can keep her informed of applications adjacent to this property.

Ridderhoff: I don’t quite understand what she means by open walkways to the Bay. Will she want to put in additional docks?

Russell: Considering the situation with the Sewer Department and access to their main, wouldn’t it be difficult to put condominiums there?

Julie Spencer (BWS): The Sewer plant does have the capacity to service more condominiums. For your information, the Healys have given the Sewer District a 20’ easement for the sewer line along the waterfront. They have been very cooperative with us. We did give Wink a copy of the legal easement hoping that they would do the same, but they chose not to.

Mitchell: The Healys might want to seek the advise of an attorney in order to protect their property rights regarding neighboring properties.

Guarrant: Sue, please send a note to Debra telling her how much we appreciate her comments and that we will keep her informed to the best of our ability.

B. Memo BJ Grieve/Public Meetings & Participation:

Guerrant: Sue, please contact Donna Valde and ask which email address we should be sending minutes to. Also, please contact the BSC and inform them that all sub-committees (Vision, Dark Skies, etc.) of the BSC must also submit minutes to the Flathead County Planning Office.

C. Luna's Wine & Coffee Cellar/Liquor License: General discussion regarding the restrictions to liquor use with the Conditional Use Permit for previous owners of the Coffee Cellar.

Guerrant: Sue, please contact the Planning Office and obtain a copy of the CUP.

The Dept. of Revenue will accept comments or objections through February 11, 2011 at:

Delores Stroh

Compliance specialist

Department of Revenue

Liquor Licensing

P. O. Box 1712

Helena, MT 59624-1712

(406) 444-0728

PUBLIC COMMENT:

I would like to have a count of how many BLUAC members will be attending the BWS board meeting on the 9th. We have very limited parking and it would be helpful if you could carpool.

Meeting was adjourned at 4:50 p.m.

Sue Hanson

BLUAC Secretary